

SENATE BILL 615

By Hensley

AN ACT to amend Tennessee Code Annotated, Section 39-17-309, relative to civil rights intimidation.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 39-17-309, is amended by deleting the section in its entirety and substituting instead the following:

(a) The general assembly finds and declares that it is the right of every legal resident regardless of race, color, creed, ancestry, religion, sex, or national origin to be secure and protected from fear, intimidation, harassment, and bodily injury caused by the unlawful activities of groups and individuals. It is not the intent of this section to interfere with the exercise of rights protected by the constitution of the United States or of this state. The general assembly recognizes the constitutional right of every legal resident to harbor and express beliefs on any subject whatsoever and to associate with others who share similar beliefs. The general assembly further finds that the advocacy or incitement of riots, the advocacy of violently overthrowing or destroying the government of the United States or the government of any state, or unlawful acts against other persons or groups that cause damage to property, bodily injury, or death are not constitutionally protected, pose a threat to public order and safety, and should be subject to criminal sanctions.

(b) A person commits the offense of intimidating others from exercising civil rights who:

(1) Injures, threatens to injure, or coerces another person with the intent to unlawfully intimidate another from the free exercise or enjoyment of any right

or privilege secured by the constitution or laws of the United States or of this state;

(2) Injures, threatens to injure, or coerces another person with the intent to unlawfully intimidate another because that other exercised any right or privilege secured by the constitution or laws of the United States or of this state;

(3) Damages, destroys, or defaces any real or personal property of a person, business, educational institution, religious institution, or government entity with the intent to unlawfully intimidate an individual or group from the free exercise or enjoyment of any right or privilege secured by the constitution or laws of the United States or of this state;

(4) Damages, destroys, or defaces any real or personal property of an individual, business, educational institution, religious institution, or government entity with the intent to unlawfully intimidate an individual or group because that individual or group exercised any right or privilege secured by the constitution or laws of the United States or of this state;

(5) Threatens property damage or harm to an individual, business, educational institution, religious institution, or government entity with the intent to intimidate an individual or group into cancelling, rescheduling, or relocating an event or activity to prevent the exercise of any right or privilege secured by the constitution or laws of the United States or of this state; or

(6) Intentionally causes an unreasonable increase in security costs for an event or activity to prevent or unreasonably burden the exercise of any right or privilege secured by the constitution or laws of the United States or of this state.

(c) As used in this section:

(1) "Educational institution" means an organization which is organized and operated primarily for educational purposes, maintains a faculty and curriculum, has an enrolled body of students, and is accredited by a recognized accrediting agency; and

(2) "Religious institution" means an ecclesiastical or denominational organization, church, synagogue, temple, or established physical place for worship, at which nonprofit religious services and activities are regularly conducted and carried on, and also includes those religious groups that do not maintain specific places of worship.

(d) It is an offense for a person to wear a mask, gas mask, sporting equipment, hood, disguise, or any other device in any manner that conceals the identity of the person with the intent to violate subsection (b). The following are not considered a mask, gas mask, sporting equipment, hood, disguise, or device for the purposes of this subsection (d):

(1) A device intended to protect the eyes, face, head, or respiratory tract worn exclusively on the orders of a person's licensed healthcare provider.

(2) A device worn by a law enforcement officer, firefighter, emergency response personnel, member of the Tennessee national guard, Tennessee air national guard, Tennessee state guard, or member of the military reserve in the lawful performance of their duties or traveling to and from locations to perform their lawful duties.

(e) A violation of subsection (b) is a Class D felony. A violation of subsection (d) is a Class A misdemeanor, punishable by a fine of not less than two thousand five hundred dollars (\$2,500) nor more than ten thousand dollars (\$10,000).

(f) The penalties provided in this section for intimidating others from exercising civil rights do not preclude victims from seeking any other remedies, criminal or civil, otherwise available under law.

SECTION 2. If any provision of this act or the application of any provision of this act to any person or circumstance is held invalid, the invalidity shall not affect other provisions or

applications of the act that can be given effect without the invalid provision or application, and to that end, the provisions of this act are declared to be severable.

SECTION 3. This act shall take effect July 1, 2019, the public welfare requiring it, and shall apply to violations occurring on or after that date.